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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,584	12/28/2001	Samuel Kho	25216-0881	2323
30554	7590	04/24/2006	EXAMINER	
SHEMWELL MAHAMEDI LLP 4880 STEVENS CREEK BOULEVARD SUITE 201 SAN JOSE, CA 95129			PITARO, RYAN F	
		ART UNIT		PAPER NUMBER
				2174

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/040,584	KHO, SAMUEL	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7, 10-22, 25-28 and 30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7, 10-22, 25-28 and 30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/24/2006</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

1. Claims 1-7,10-22,25-28, and 30 have been examined.

### ***Response to Amendment***

2. This communication is responsive to Amendment C, filed 2/06/2006.
3. Claims 1-7,10-22,25-28,30-34 are pending in this application. Claims 1-7, 10-22,25-28, and 30 have been amended, and claims 31-34 have been cancelled.

### ***Claim Objections***

4. Claim1 is objected to because of the following informalities: portable computing device seems to have been copied twice in line 1 of claim 1. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The negative limitation of the selection input is not either for (i) selection of any of the one or more menu items, or (ii) selection to activate a second menu, is not supported in the specification.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-7,10-19,22,25-28,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft ("Microsoft", "The Windows Interface An Application Design Guide") in view of Basterfield ("Basterfield", "The IBM PalmTop PC110").

As per independent claim 1, Microsoft teaches detecting an input corresponding to a menu request (Page 87; ALT also see Figure 1); activate the first menu on the display in response to the menu request, the activated first menu displaying a menu bar and one or more menu items (Page 87; DOWN ARROW also see Figure 2) process navigation input to navigate to the menu bar of the active first menu, including navigation input to cause the menu bar of the active first menu to be selectable (Page

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87; DOWN ARROW also see Figure 2-3); process selection input when the menu bar is selectable, wherein the selection input is not either(i) a selection of the any of the one or more menu items or (ii) selection input to activate a second menu and cancel activation of the first menu from the display in response to the menu bar of that menu being selected by the selection input (Clicking on the menu bar selection option i.e. file again). Microsoft fails to teach a housing including a processor, buttons, and a screen. However, Basterfield teaches a portable computing device comprising: a housing (see illustrations page 1) including a first panel comprising one or more user-interactive features which are each actuatable to cause an input to be entered (tiny keyboard), and; a display accessible on a second panel of the housing (LCD); a processor coupled to the display (33MHZ 486 processor). Therefore it would have been obvious to an artisan at the time of the invention to combine the handheld computer of Basterfield with the windows interface of Microsoft. Motivation to do so would have been a computer that utilizes a windows environment which fits into a jacket pocket, to take anywhere.

As per claim 2, which is a dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to process navigation input to navigate vertically to the menu bar from one of the one or more menu items in the active first menu (Microsoft, mouse navigation vertically; equivalent to Figure 2-3).

As per claim 3, which is a dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to execute an application that makes only the first menu available while a corresponding page of the application is being displayed on the display, and to process a lateral navigation input while the first menu is active in order to

cancel the first menu from being active (Microsoft, Page 87; RIGHT ARROW Figures 3-4).

As per claim 4, which is a dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to process navigation input to navigate laterally from the first menu in order to make the second menu active instead of the first menu, and wherein the processor is configured to automatically make a menu bar of the second menu selectable in response to the second menu being activated by the lateral navigation input (Microsoft, Page 87; RIGHT ARROW Figures 3-4).

As per claim 5, which is a dependent on claim 4, Microsoft-Basterfield teaches the processor is configured to process navigation input to cause the menu bar of the second menu item to be selected immediately upon the second menu being made active in response to the lateral navigation input, and wherein the processor is configured to cancel activation of the second menu from the display in response to the second menu being selected by the selection input (Microsoft, Page 87; RIGHT ARROW Figures 3-4).

As per claim 6, which is dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to process the navigation input to make the menu bar highlighted for selection by the selection input (Microsoft, Page 87; RIGHT ARROW Figures 3-4;).

As per claim 7, which is dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to process navigation input to navigate from one of the one or

more menu items of the first menu to the menu bar in order to make the menu bar selectable (Microsoft, Page 87; RIGHT ARROW Figures 3-4).

As per claim 10, which is dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to process navigation input from actuation of one or more of the user-interactive features, the navigation input being processed by the processor to navigate to and make the menu bar selectable, wherein the processor is configured to navigate laterally from the first menu to a second menu in response to the actuation of the one or more user-interactive features corresponding to a lateral navigation input, and to make the menu bar of the active second menu bar selectable upon navigating to the second menu (Microsoft, Page 87; RIGHT ARROW Figures 3-4).

As per claim 11, which is dependent on claim 10, Microsoft-Basterfield teaches the processor is configured to process selection input when the menu bar of the second menu is made selectable in order to select that menu bar and cause cancellation of the second menu being active (Microsoft, Page 87; ALT).

As per claim 12, which is dependent on claim 1, Microsoft-Basterfield teaches wherein actuation of the one or more user-interactive features causes discrete inputs to be processed by the processor, wherein the processor is configured to process navigation input corresponding to actuation of one or more of the plurality of user-interactive features to navigate to the menu bar vertically from one of the menu items in the first menu in response to receiving a series of one or more discrete input from operation of the one or more user-interactive features (Microsoft, Page 87; DOWN ARROW Figures 1-2).

As per claim 13, which is dependent on claim 12, Microsoft-Basterfield teaches the series of discrete inputs correspond to a series of button presses (Microsoft, Page 87;).

As per claim 14, which is dependent on claim 12, Microsoft-Basterfield teaches the series of discrete inputs correspond to a series of button pressed from a multi-directional button mechanism (Microsoft, Page 87; keyboard and mouse buttons).

As per claim 15, which is dependent on claim 1, Microsoft-Basterfield teaches the processor navigates to the menu bar by highlighting the menu bar (Microsoft, Page 87; ALT).

As per claim 16, which is dependent on claim 1, Microsoft-Basterfield teaches the one or more user-interactive features being actuatable to cause navigation input to be processed by the processor, wherein a direction in which the processor navigates the menu bar is determined by a user selectively actuating the one or more user-interactive features (Microsoft, Page 87).

As per claim 17, which is dependent on claim 1, Microsoft-Basterfield teaches the processor is configured to perform an action in response to one of the menu items of the first menu being selected (Microsoft, Page 87; ENTER Figures 5-6).

As per claim 18, which is dependent on claim 1, Microsoft-Basterfield teaches wherein the one or more user-interactive features being actuatable to cause navigation input to be processed by the processor, and wherein the one or more user-interactive features including a multi-directional mechanical feature (Microsoft, Page 87; keyboard).

As per claim 19, which is dependent on claim 18, Microsoft-Basterfield teaches the multi-directional mechanical feature is selected from a group of user-interactive features consisting of a joy stick, a joy pad, and a set of scroll buttons (Microsoft, Page 87, UPARROW, DOWN ARROW).

As per claim 20, which is dependent on claim 1, Microsoft-Basterfield teaches the one or more user-interactive features include a set of application buttons (Microsoft, Page 87; keyboard shortcuts).

As per independent claim 22, Microsoft-Basterfield teaches a portable computing device: a housing; (Basterfield, Page 1); a display accessible on a panel of the housing; (Basterfield, Page 1 LCD) ; a set of actuatable mechanisms provided on the housing', (Basterfield, tiny keyboard); a processor coupled to the display and to the plurality of actuatable mechanisms, the processor being configured to: detect an input corresponding to a menu request (Microsoft, Page 87; ALT),, in response to detecting the input corresponding to the menu request, assign a menu function to each actuatable mechanism in the set of actuatable mechanisms (Microsoft, Page 87),, display one or more menu items that are active in response to the menu request, each of the one or more sets of menu items being displayed as a portion of the menu having a menu bar (Microsoft, Page 87; DOWN ARROW, Figure 1-2); while the one or more sets of menu items are active, process input corresponding to actuation of any one of the actuatable mechanisms as the menu function assigned to the actuated actuatable mechanism; (Microsoft, Page 87), wherein the processor is configured to display a menu bar with each of the one or more sets of menu items in response to receiving the menu request,

and wherein the processor is configured to cancel activation of the one or more sets of menu items in response to (i) navigation input to cause the menu bar to be in a selectable state, and (ii) selection input for selecting the menu bar from the selectable state (Microsoft, Page 87; RIGHT ARROW, Figure 3-4).

As per claim 25, which is dependent on claim 22, Microsoft-Basterfield teaches the application associated with each actuatable mechanism is different for each actuatable mechanism (Microsoft, Page 87).

As per claim 26, which is dependent on claim 22, Microsoft-Basterfield teaches the actuatable mechanisms are buttons (Microsoft, Page 87).

As per claim 27, which is dependent on claim 22, Microsoft-Basterfield teaches actuatable mechanisms in the set of actuatable mechanisms are each assigned an individual menu function corresponding to navigating menu items in one of either a lateral direction or a vertical direction (Microsoft, Page 87; RIGHT ARROW, Figure 3-4).

As per claim 28, which is dependent on claim 22, Microsoft-Basterfield teaches at least one of the actuatable mechanisms in the set of actuatable mechanisms is assigned a menu function for selecting a selectable menu item (Microsoft, Page 87, ENTER).

As per claim 30, which is dependent on claim 22, Microsoft-Basterfield teaches the processor is configured to display a menu bar with each of the one or more sets of menu items in response to receiving the menu request, and wherein the processor is configured to cancel activation of the one or more sets of menu items in response to

selection input for canceling the one or more active sets of menu items (Microsoft, Page 87, ALT).

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft ("Microsoft", "The Windows Interface An Application Design Guide") and Basterfield ("Basterfield", "The IBM PalmTop PC110") in view of Kano ("Kano", US 2002/0036623).

As per claim 21, which is dependent on claim 1, Microsoft-Basterfield fails to teach a visual feature which is navigational through contact with the screen. However, Kano teaches a method wherein the one or more user-interactive features being actuatable to cause navigation input to be processed by the processor, and wherein the one or more user-interactive features include visual features that appear on the display and which are selectable through contact with the display (Figure 13). Therefore, it would have been obvious to an artisan at the time of the invention to combine the touch screen navigation of Kano with the system of Microsoft-Basterfield. Motivation to do would have been to provide a convenient way to process information by not having to switch between input means.

***Response to Arguments***

Applicants argue that the Microsoft reference does not teach a selection input capable of canceling an active menu using selection input. However, by using the conventional point and click method (selection input) a user is able to select a menu bar option (i.e. file) once it is activated to cancel the selection.

Applicant's arguments with respect to claims 1-7,10-22,25-28,30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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